

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

David Houle and Becky Houle, et. al.,	)	ORDER
Plaintiffs,)	
vs.)	
Central Power Electric Cooperative, Inc.,)	
(CPEC), et. al.,	)	Case No. 4:09-cv-021
)	
	Defendants,)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-055
<u>Cecil L. Jeannotte, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-061
<u>Corey J. Hall, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-073
<u>Cecil L. Jeannotte, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-076
<u>Howard Longie, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-077
<u>Estate of Marie M. Jeanotte, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-078
<u>Donna M. Anderson, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-084
<u>Pete Barnett, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-098
<u>John E. Monette, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-100
<u>Ophelia Dixon Navarro, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:11-cv-101
<u>Kimberly Blackwell, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:12-cv-004
<u>Dustin Decoteau, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:12-cv-005
<u>Wilkie, et. al.,</u>	Defendants.)
<u>CPEC v.</u>	Plaintiff,	) Case No. 4:12-cv-006
<u>Davis, et. al.,</u>	Defendants.)

The court held a telephonic status conference with the parties in the above-entitled actions

on September 11, 2012. Pursuant to its discussion with the parties, the court **ORDERS**:

- (1) The “Motion to Limit Condemnation Action” filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 175) shall be deemed **MOOT** with the understanding that it may be refiled at a later date if necessary.
- (2) The “Motion to Compel” filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 167) shall be held in abeyance pending the court’s next status conference with the parties.
- (3) The parties agree that, notwithstanding what Fed. R. Civ. P. 71.1 may require in this situation, that any claims for trespass damages that the court may allow can be tried with the condemnation damage claims in the above-captioned cases.
- (4) CPEC’s “Motion[s] to Dismiss Claims, Other than Condemnation Objections and Defenses” (Case No. 4:09-cv-021, Docket No. 160; Case No. 4:11-cv-055, Docket No. 46; Case No. 4:11-cv-073, Docket No. 41; Case No. 4:11-cv-076, Docket No. 55; Case No. 4:11-cv-084, Docket No. 88 4:11-cv-101, Docket No. 45) shall be held in abeyance pending the court’s next status conference with the parties.
- (5) The “Motion for Partial Summary Judgment” filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 181) shall be held in abeyance pending court’s next status conference with the parties.
- (6) The court shall conduct a status conference with the parties in the above-entitled actions by telephone on November 7, 2012, at 10:00 a.m. The court shall initiate the conference call.
- (7) All expert disclosures with the respect to the issue of use and necessity are due by

November 1, 2012.

(8) CPEC shall have until November 1, 2012, to disclose all of its appraisal testimony in Case Nos. 4:09-cv-21, 4:11-cv-055, 4:11-cv-073, 4:11-cv-076, 4:11-cv-084, and 4:11-cv-101. Responsive opinion testimony is due by December 1, 2012.

Dated this 12th day of September, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge